

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13030, of Benny L. Kass, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 4101.44 to use the basement, first, second and third floors of the subject premises as "offices - law firm" and under Sub-section 7205.3 to locate one parking space accessory to the structure elsewhere than on the subject lot in an SP-1 District at the premises 1528 - 18th Street, N. W., (Square 136, Lot 28).

HEARING DATE: August 22, 1979

DECISION DATE: September 5, 1979

FINDINGS OF FACT

1. The subject site is located on the west side of Eighteenth Street, N. W., between "P" and "Q" Streets, N. W., in the SP-1 District.

2. The subject site is improved with a three-story brick building, which is currently being used by applicants. The building was built in the early part of this century and occupies approximately seventy per cent of the lot.

3. When the applicants acquired and occupied the property in June of 1978, they understood that a law office was a use permitted as a matter-of-right in an existing building in the SP District and that a valid certificate of occupancy for office use had been secured by the previous owner. When the applicants became aware that there was no valid certificate of occupancy for the property and that the Zoning Commission had changed the text of the Zoning Regulations to make offices a special exception in existing buildings, the applicants proceeded with this application.

4. To the immediate north of the site is a parking lot for the National Association of Retired Federal Employees. Adjoining to the south is a row structure being used as law offices. To the west of the site are the rear yards of buildings which face New Hampshire Avenue, used for professional and institutional offices and for commercial uses. To the east, across 18th Street, N. W. is a three-story row structure used as an office by the Mathematical Association of America.

5. The area surrounding the site is comprised predominately of row houses and some large apartment buildings. Many of the row houses have been converted to office or institutional use. Among the buildings in the immediate area are the Saudi Arabian Embassy, the Argentinian Embassy, the Iraqi Embassy, the Potomac Institute, the Andrew Mellon building (undergoing renovation as the new headquarters of the National Trust for Historic Preservation), Women's National Democratic Club, National Association of Retired Federal Employees, the Owl School, the Dupont East Condominiums, the Imperial House apartment building, Corcoran House, Dupont Hotel and the Sulgrave Club, a private club.

6. The applicants propose to use the premises at 1528 18th Street as offices for their law firm. The operation will be comprised of office space for lawyers, paralegals, clerks and secretaries, a conference room, reception area, bathrooms and storage space.

7. The applicants propose to make use of parking spaces off the site to service the proposed law office. They have contracted for use of two parking spaces in a lot on the north side of "P" Street, N. W. approximately eighty-eight feet east of the intersection with 18th Street, N. W. They have also contracted for a parking space located at 1527 18th Street, N. W., immediately across 18th Street from the subject property.

8. The applicants propose no changes in the exterior of the building on the subject property. They propose a continuation of normal maintenance. Interior changes will be limited.

9. The law office presently consists of four attorneys and six staff members.

10. There would generally be, at present, no more than ten persons who would occupy the offices on a full-time basis. The applicants expect that normal expansion would be no more than two additional attorneys with proportional support staff.

11. The entrances of the Dupont Circle Metro Station are located 830 feet and 950 feet from the subject property. An extensive bus system also intersects Dupont Circle and provides excellent access to the area by mass transit from any portions of the city and suburbs.

12. The applicants testified through Benny L. Kass, Esquire, that many of the firm's clients live in the general neighborhood of the site. The majority travel to the office by foot, taxi or public transportation.

13. The applicants' traffic and parking consultant testified that the subject property cannot accomodate a parking space on-site because of existing building coverage and lack of access. He further testified that there are approximately 550 parking lot spaces available in nine existing commercial parking lots within three blocks of the subject property. He further testified that the two parking spaces leased at 18th and "P" Streets, N. W. are within 800 feet of the subject property. The Board so finds. The parking space leased at 1527 18th Street, N. W., which was presented to the Board subsequent to the public hearing, is also located within 800 feet of the subject property.

14. The application was referred to the Office of Planning and Development on July 13, 1979. The OPD made no report on either special exception request in the subject application.

15. Only one structure in the entire square in which the building is located is devoted to residential use. The structure at 1524 18th Street is used for a residential apartment use.

16. The applicant and applicant's transportation consultant testified that one parking space is required under the Zoning Regulations, that that space would be more than sufficient to meet the law firm's needs, that the location of the Metro Station within two blocks of the subject site will encourage the use of public transportation to and from the site, and that a significant percentage of the firm's clients live or work within walking distance of the site and arrive by taxi or public transportation, and that the street capacity at intersections near the site is more than adequate to handle any additional trip generation which the proposed use might generate. The Board so finds.

17. The applicants' planning consultant testified that the law office use in the subject premises would not have an adverse impact on the surrounding properties or the area in general and that the proposed use would be in keeping with the area and with the requirements of the SP Zone District. The Board so finds.

18. The Zoning Regulations permit required parking spaces to be located other than on the lot where the use is located provided that such spaces are located so as to furnish reasonable and convenient parking facilities, but shall be no farther than 800 feet from any lot line of the lot on which the structure is located.

19. The applicants and their architectural/planning consultant testified that from 1972 to 1978 the building was used as an architectural office by Angelos Demetriou until its sale

to the applicants. At the time of purchase, applicants believed that Mr. Demetriou had a valid certificate of occupancy for his office use and had obtained one for the applicants. When notified of the need for a certificate, applicants commenced this application. Mr. Demetriou made significant alterations of the interior of the structure in transforming it to use as an architectural office. The Board so finds.

20. The Dupont Circle Citizens Association opposed the application on the grounds that to grant it would decrease residential housing facilities in the neighborhood and that the applicant has failed to guarantee the future availability of the off-lot parking spaces as the lease therefor is monthly.

21. A representative of Advisory Neighborhood Commission 2-B appeared at the hearing and opposed the application on the grounds that to grant it would decrease residential housing facilities in the city and that the intent of the SP District is not to be exclusively an office zone. The ANC also pointed out that the last legal use, as evidenced by certificate of Occupancy, was for a rooming house. The Advisory Neighborhood Commission did not submit a written statement of its issues and concerns.

22. In addressing the issues raised by the ANC as well as those raised by the citizens association, the Board finds as follows:

- a. The Findings of Fact and the Conclusions of Law, hereinafter stated, find that the applicants have met their burden of proof and met the requirements of Paragraph 4101.44 and Sub-section 7205.3 of the Zoning Regulations.
- b. Sub-section 4101.1 of the Zoning Regulations does not preclude office buildings. The major purpose of the SP District is to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale and design with the transitional function of the zone district. In the subject application, as hereinafter concluded, the proposed building is compatible with other neighborhood uses and structures.
- c. The relief the applicants are seeking does not require a showing of a hardship. Nor does it require that the applicant demonstrate that the building cannot be used for residential purposes. Under the special exceptions, the applicants must show compliance with Paragraph 4101.44 and Sub-section 7205.3.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant has complied with the requirements of Paragraph 4101.44 in that the proposed use is for a law office and such use is in harmony with existing uses on neighboring property. The Board concludes that the use would be included in a row structure, which type is common to the neighborhood and there will be no changes to the exterior of the structure. The subject property is served well by bus and subway so that no dangerous or other objectionable traffic conditions are anticipated. The Board further concludes that the special exception can be granted as in harmony with the general intent and purpose of the Zoning Regulations and will create no adverse affect on the use of neighboring property.

As to the special exception for parking, the Board concludes that the applicants have substantially complied with the requirements of Sub-section 7205.3. The Board notes that the subject improvement was built in the early part of this century and occupies approximately seventy per cent of the lot.

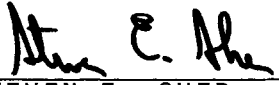
The building is also of historic character and contributes to the Dupont Circle Historic District. It cannot be altered to provide one space nor is there any room on the lot to provide one space. This difficulty stems from the property itself. The Board further concludes that the parking spaces leased by the applicants meet the locational and performance criteria of the Regulations and will not have an objectionable or dangerous impact on traffic conditions. The special exception can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that it has addressed the issues and concerns of the ANC and that it has thus accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT TO THE CONDITION that at least one parking space, located within 800 feet of the subject lot, shall be provided for the use of the occupants of the subject property as long as that use continues.

VOTE:4-0 (Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to grant, Ruby B. McZier to grant by proxy, William F. McIntosh not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.